



House of Representatives

File No. 344

General Assembly

February Session, 2002

(Reprint of File No. 24)

Substitute House Bill No. 5477
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 4, 2002

**AN ACT REQUIRING THE DEPARTMENT OF MENTAL RETARDATION
TO REPORT ALL DEATHS AND SIGNIFICANT INJURIES TO THE
OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH
DISABILITIES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2002*) The Commissioner of
2 Mental Retardation shall, not later than forty-eight hours after the
3 death or severe physical injury, as defined in section 53a-3 of the
4 general statutes, as amended, of any client receiving residential or day
5 services from the Department of Mental Retardation, report the
6 circumstances of such death or injury to the Office of Protection and
7 Advocacy for Persons with Disabilities.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - None	Department of Mental Retardation; Office of Protection & Advocacy	-	None	None

Municipal Impact: None

Explanation

This bill will result in no cost to the state, as the Commissioner of the Mental Retardation will be able to meet the reporting requirement within the department's existing workload. In FY 01 the department identified 180 deaths and 234 severe injuries out of 14,207 clients. In response to the Governor's Executive Order No. 25 (February 2002), the department has been reporting all deaths to the Office of Protection and Advocacy for Persons with Disabilities (P&A). The bill requires the department to report within 48 hours the circumstance of the death or severe physical injury of a department client to P&A.

House "A" replaces the underlying bill with similar language and clarification in the reporting requirement with the 48-hour time frame and identifying severe physical injury as one the reporting categories. House "A" becomes the bill and will result in no cost to the department, as the reporting requirements will be able to be met within their existing workload.

OLR Amended Bill Analysis

sHB 5477 (as amended by House "A")*

AN ACT REQUIRING THE DEPARTMENT OF MENTAL RETARDATION TO REPORT ALL DEATHS AND SIGNIFICANT INJURIES TO THE OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES**SUMMARY:**

This bill requires the mental retardation commissioner to immediately report, within 48 hours, the circumstance of each death or severe physical injury (see COMMENT) of a department client receiving residential or day services to the Office of Protection and Advocacy for Persons with Disabilities.

*House Amendment "A" requires the mental retardation commissioner to report within 48 hours instead of immediately as in the original file (File 24). It also requires the reporting of "severe physical injury," instead of significant injury as in the original file.

EFFECTIVE DATE: October 1, 2002

COMMENT***"Severe" vs. "Serious" Physical Injury***

The bill refers to "severe physical injury" as defined in CGS § 53a-3. But that section defines "serious physical injury" as one that creates a substantial risk of death, or which causes serious disfigurement, serious health impairment, or serious loss or impairment of a bodily organ's function. The law does not define "severe physical injury."

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 23 Nay 0